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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
DAVID BUSBY, )  
 )  
Defendant. )  
 )

No. CR 11-0188 SBA

**STIPULATION AND ~~PROPOSED~~  
ORDER TO SET STATUS  
CONFERENCE FOR NOVEMBER 13,  
2012 AT 9:30 A.M., AND TO EXCLUDE  
TIME FROM OCTOBER 19, 2012 TO  
NOVEMBER 13, 2012**

The district court vacated the motion hearing date set for October 23, 2012, and ordered that the parties contact the duty magistrate to set this matter for a status conference. For this reason, with the agreement of counsel for both parties and the defendant, the parties now stipulate and ask the Court to find and hold as follows:

1. This matter shall be set for a status conference before the duty magistrate on Tuesday, November 13, 2012 at 9:30 a.m.

2. The parties agree to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from October 19, 2012 to November 13, 2012. Failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective

1 preparation, taking into account the exercise of due diligence and the need for defense counsel to  
2 review discovery and conduct investigation related to the pending charges in this case, including  
3 the additional review of electronic evidence being made available to the defense at a government  
4 facility.

5 3. Given these circumstances, the Court finds that the ends of justice served by excluding  
6 the period from October 19, 2012 to November 13, 2012, outweigh the best interest of the public  
7 and the defendant in a speedy trial and filing of an indictment or information. 18 U.S.C.  
8 § 3161(h)(7)(A).

9 4. Accordingly, and with the consent of the defendant, the Court orders that the period  
10 from October 19, 2012 to November 13, 2012, be excluded from Speedy Trial Act calculations  
11 under 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

12  
13 IT IS SO STIPULATED.

14  
15 DATED: October 19, 2012

/s/  
\_\_\_\_\_  
NED SMOCK  
Counsel for David Busby

16  
17  
18 DATED: October 19, 2012

/s/  
\_\_\_\_\_  
BRIAN C. LEWIS  
Assistant United States Attorney

19  
20 IT IS SO ORDERED.

21  
22 DATED: 10/19/22

  
\_\_\_\_\_  
KANDIS A. WESTMORE  
United States Magistrate Judge